IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 24767 of 2007(W)

PETITIONER:

O.M.ABDUL RASHEED,
S/O.ABDUL HAMMED, AGED 37 YEARS,
OTTAKATTUMANKARATHODI, MUTTIPALAM, P.O.MANJERI,
MALAPPURAM.

BY ADV. SRI.P.S.BIJU

RESPONDENTS:

---

1. THE SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM.

2. THE TOWN PLANNING OFFICER,
CORPORATION OF THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM.

3. CHIEF TOWN PLANNER,
TOWN PLANNING OFFICE, KOTTARATHIL BUILDINGS,
PALAYAM, THIRUVANANTHAPURAM.

4. STATE OF KERALA,
REP.BY SECRETARY TO GOVERNMENT,
LOCAL ADMINISTRATION (G) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI. N. NANDAKUMARA MENON, SC.
R2 TO R4 BY ADV. SRI. K.J. MOHAMMED ANZAR, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 24767 OF 2007

Dated this the 6th day of September, 2007

JUDGMENT

Sri.Nandakumara Menon, Standing Counsel submits on instructions that the Corporation is not to be blamed for the non-consideration of the petitioner's application for building permit favourably. As per the DTP Scheme the area is earmarked for the purposes of the KSRTC. He also points out that, the petitioner is yet to exhaust statutory remedy by way of appeal to the Council.

Considering the fact that the petitioner not availed the statutory remedy open to him, I dispose of this Writ Petition relegating the petitioner to that remedy without decided the merits of the grounds raised. If the petitioner prefers an appeal within three weeks of receiving copy of this judgment, the Council of the Corporation will hear him and dispose of the appeal as expeditiously as possible.

PIUS C. KURIAKOSE, JUDGE

btt